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**Attorney for Defendant
ANTHONY JOSEF NORRIS**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ANTHONY JOSEF NORRIS,
Defendant.

Case No. CR 3-11-70588 MAG
(JCS)

**STIPULATION AND [PROPOSED]
ORDER CONTINUING PRELIMINARY
HEARING DATE**

Plaintiff, by and through its attorney of record, Owen Martikan, and defendant, by and through his attorney of record, Gail Shifman, hereby stipulate and ask the Court to find as follows:

1. That the parties are currently scheduled for a preliminary hearing date of November 1, 2011 at 9:30 a.m. The parties have been in discussions and believe that the case will resolve without proceeding to indictment. To that end, the

1 parties are in the midst of negotiating a plea resolution to this
2 case.

3 2. That the parties believe that a continuance of the
4 preliminary hearing date will allow for further review of the
5 discovery materials allowing the parties to finalize discussions
6 to resolve the case.
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8 3. That the parties request that the Court vacate the
9 November 1, 2011 preliminary hearing date and continue it until
10 November 9, 2011 at 9:30 a.m. before the duty Magistrate Judge,
11 Joseph Spero.

12 4. That Defendant Norris has been advised of and consents
13 to the extension of time for the preliminary hearing beyond the
14 time limit contained in Federal Rules of Criminal Procedure
15 5.1(c).

16 5. That the parties agree that the failure to grant such a
17 continuance would unreasonably deny counsel the reasonable time
18 necessary for effective preparation, taking into account the
19 exercise of due diligence and that November 1, 2011 through
20 November 9, 2011 should be excluded in accordance with the
21 provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), on
22 the basis that the ends of justice are served by taking such
23 action which outweigh the best interest of the public and the
24 defendant in a speedy trial and also under subsection (B)(iv) for
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1 effective preparation of counsel, taking into account the
2 exercise of due diligence.

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4 Dated: October 31, 2011

_____/s/_____
5 Owen Martikan
Assistant United States Attorney

6 Dated: October 31, 2011

_____/s/_____
7 Gail Shifman
Attorney for Defendant Norris

8 [PROPOSED] ORDER
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10 This matter having come before the Court upon the
11 Stipulation of the parties and GOOD CAUSE APPEARING, IT IS HEREBY
12 ORDERED,

13 That the November 1, 2011 preliminary hearing date shall be
14 vacated and continued until November 9, 2011 at 9:30 a.m. before
15 the duty Magistrate Judge;

16 And, that the time from November 1, 2011 through November 9,
17 2011 shall be excluded in accordance with the provisions of the
18 Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), to
19 provide the defense time to review discovery and for effective
20 preparation. The Court finds that (A) failure to grant the
21 continuance would unreasonably deny defendants the reasonable
22 time necessary for effective preparation, taking into account the
23 exercise of due diligence; and (B) the ends of justice served by
24 the continuance outweigh the best interests of the public and the
25 defendants in a speedy trial. See 18 U.S.C. § 3161(h)(1)(7)(A) &
26 (B)(iv).

1 IT IS SO ORDERED.
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Dated: October 31, 2011

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10 United States Magistrate Judge
11 Joseph C. Spero
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